In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 14326 of 2007

Date of Decision: 13.9.2007

Saibhakti Impex Private Ltd.

…Petitioner

Versus

Centurion Bank of Punjab Limited and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: Mr. B.B. Bagga, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J.

This petition filed under Article 226 of the Constitution prays for issuance of direction to respondent No. 1 Bank to forward requisite documents of the petitioner to its branch office-respondent No. 2 for the purpose of issuance of Banking Export Realisation Certificates in favour of the petitioner. It is appropriate to notice that in the year 2005 the petitioner opened a bank account with the respondent bank. The petitioner routed various export transactions through said account. On 5.2.2007, during the course of normal export business, the petitioner sent two consignments of export covered by two separate bills to its overseas buyers for US$ 86198 and US$ 80442 respectively. Documents in relation to said

transactions are stated to have been submitted by the petitioner with respondent No. 1 in the month of July, 2007, which are required to be forwarded by respondent No. 1 to its branch office-respondent No. 2. However, the needful has not been done despite the fact that the petitioner has also made representations dated 3.8.2007 and 14.8.2007 (P-6 and P-7). Due to aforementioned inaction of the respondents export incentives to the tune of Rs. 5,06,837/- could not be settled and trade cycle of exports of the petitioner has been disturbed.

We have heard learned counsel for the petitioner at some length and perused the paper book.

Before disposing of this writ petition we would refer to the views of Hon'ble the Supreme Court in the case of **Salem Advocate Bar Association v. Union of India, (2005) 6 SCC 344**. In paras 38 and 39 of the judgment it has been required that whenever notice under Section 80 C.P.C. or under any similar provision are sent then it is mandatory on the part of State or Central Government or other authorities to send reply to such notice.

It is well settled that before seeking a direction or a writ of mandamus, a demand justice notice/representation is required to be served on the respondents as has been done in the present case. The petitioner had sent two representations dated 3.8.2007 and 14.8.2007 (P-6 & P-7), to which no reply is stated to have been received. It has also been observed by Hon'ble the Supreme Court that in such like cases cost is required to be imposed.

Without going into merits of the case, we dispose of the writ petition at this stage with a direction to respondent No. 1 to take a decision on the representations dated 3.8.2007 and 14.8.2007 (P-6 & P-7) within a period of two months from the date of receipt of a certified copy of this order.

Petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 7, 2007
Pkapoor